

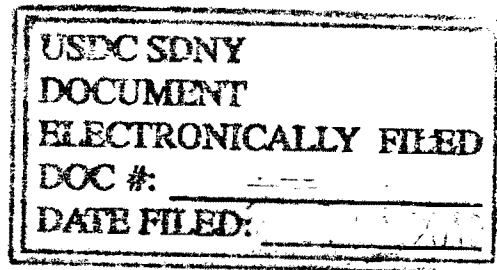
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The Honorable Laura Taylor Swain
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

Via Fax 212.805.0426

February 28, 2012

United States v. Soledad Milagros Aponte Silvestre, 11 Cr. 686 (LTS)

Dear Judge Swain:

We write with regard to the final pre-trial conference currently scheduled for March 14, 2012. In our continuing efforts to gather evidence for Ms. Aponte's defense, we have, since September 2011, issued multiple requests to various government agencies under the Freedom of Information Act (FOIA). Among those have been requests to the Executive Office for Immigration Review (EOIR), four (4) separate requests to the Department of State, and a request to U.S. Citizenship and Immigration Services. Despite consistent follow-up, to date we have only received two responses: one from the EOIR and one from the Department of State requesting additional information. Accordingly, there are outstanding requests which involve evidence necessary to mount an effective defense at trial.

Further, it has come to our attention that on March 1, 2012, the office of the U.S. Attorney for the Southern District of New York will be issuing guidelines regarding "Fast Track" litigation which may be applicable to the Sentencing Guidelines calculation for Ms. Aponte, and which we will need to be able to evaluate and discuss with Ms. Aponte.

To that end, and in the hopes of conserving both the Court's and the Government's resources, we request that the March 14 hearing be made a simple status conference, with a final pre-trial conference scheduled for a later date. Recognizing that the Court is currently holding two potential trial dates, we would suggest that we discuss on March 14 whether either trial date is realistic, in light of our concerns regarding when we will receive responses to our FOIA requests.

This communication is confidential and may be privileged or otherwise protected by work product immunity.

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We have spoken with AUSA Carolina Fornos and she has consented to this request.

Respectfully Submitted,




Lance Croffoot-Suede
Attorney for Defendant
212.903.9261

cc by e-mail: Carolina A. Fornos
Assistant United States Attorney
212.637.2740

*The request is granted.
The March 14, 2012 date
will be a regular, rather
than a final, pretrial conference.*

SO ORDERED.

NEW YORK, NY



March 1, 2012 LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE